

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1638 of 1996

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

KUSUMBEN CHIMANLAL PATEL

Versus

VADODARA URBAN DEVELOPMENT AUTHORITY

Appearance:

MR MC BHATT for Petitioners

MR MD PANDYA for Respondent No. 1

MR TH SOMPURA,AGP for Respondent No.2.

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 23/12/96

ORAL JUDGEMENT

Petitioners are the owners of lands bearing Survey Nos. 411/2; 411/3; 412 and 436, constituting Block Nos. 261/2 and 290, situated at village Kapuria in Vadodara Urban Agglomeration. In the Development Plan, said lands were reserved for Respondent No.1 Authority for the purpose of General Commercial Centre. The

petitioners have preferred this petition and have claimed that in view of the notice served upon the respondents under section 20(2) of the Gujarat Town Planning and Urban Development Act, 1976, said reservation has lapsed. Pending this petition, Respondent No.2 has revised the Development Plan and the aforesaid lands have been released from the reservation. Learned advocate Mr. Bhatt has produced on record copy of the Zoning Certificates issued by Respondent No.1 Authority in respect of the aforesaid lands and has submitted that under the revised Development Plan the said lands are situated within the Commercial Zone and have been released from reservation. He, therefore, submits that the cause of action does not survive.

2. Learned advocate Mr. Pandya appearing for Respondent No.1 Authority states that as and when the petitioners make an application for permission for development of the aforesaid lands, same shall be considered in accordance with law.

3. In above of the matter, Mr. Bhatt, learned advocate appearing for the petitioners seeks leave to withdraw this petition. Leave is granted. Petition is disposed of as withdrawn. Rule is discharged. There shall be no order as to costs.

/////

vyas

*